

الْبَابُ التَّاسِعُ

وَفَاءُ الْعَهْدِ وَالْعَمَلُ بِالْمَوَاقِفِ مَعَهُمْ

CHAPTER NINE

FULFILMENT OF AGREEMENTS AND
COVENANTS WITH NON-MUSLIMS

١/٨٨. عَنْ عُمَرَ بْنِ الْخَطَّابِ رضي الله عنه قَالَ: وَأَوْصِيَهُ بِذِمَّةِ اللَّهِ وَذِمَّةِ رَسُولِهِ ﷺ أَنْ يُؤْفَى لَهُمْ بِعَهْدِهِمْ وَأَنْ يُقَاتَلَ مِنْ وَرَائِهِمْ وَلَا يُكَلَّفُوا إِلَّا طَاقَتَهُمْ.
رَوَاهُ الْبُخَارِيُّ وَابْنُ أَبِي شَيْبَةَ وَابْنُ حِبَّانَ وَالْقُرَشِيُّ.

88/1. 'Umar b. al-Khaṭṭāb رضي الله عنه stated (the following legacy before his martyrdom):

"I counsel him [the ruler] to uphold the guarantee of Allah and His Messenger ﷺ, and to fulfil the terms of their treaty, and to fight in their defence. I also counsel him not to overburden them with more than they can bear."¹

Reported by al-Bukhārī and Ibn Abī Shayba, Ibn ibbān and al-Qurashī.

٢/٨٩. عَنْ سُلَيْمِ بْنِ عَامِرٍ يَقُولُ: كَانَ بَيْنَ مُعَاوِيَةَ وَبَيْنَ أَهْلِ الرُّومِ عَهْدٌ وَكَانَ يَسِيرُ فِي بِلَادِهِمْ حَتَّى إِذَا انْقَضَى الْعَهْدُ أَغَارَ عَلَيْهِمْ. فَإِذَا رَجُلٌ عَلَى دَابَّةٍ أَوْ عَلَى فَرَسٍ وَهُوَ يَقُولُ: اللَّهُ أَكْبَرُ وَفَاءٌ لَا غَدْرَ، وَإِذَا هُوَ عَمْرُو بْنُ عَبْسَةَ. فَسَأَلَهُ مُعَاوِيَةُ عَنْ ذَلِكَ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَهْدٌ فَلَا يَحِلُّنَّ عَهْدًا وَلَا يَشُدَّنَّهُ حَتَّى يَمُضِيَ أَمْدُهُ أَوْ يَنْبَذَ إِلَيْهِمْ عَلَى سَوَاءٍ. قَالَ: فَرَجَعَ مُعَاوِيَةُ بِالنَّاسِ.
رَوَاهُ أَحْمَدُ وَالتِّرْمِذِيُّ وَاللَّفْظُ لَهُ وَالطَّيَالِسِيُّ. وَقَالَ التِّرْمِذِيُّ: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

89/2. Sulaym b. 'Āmir related:

¹ Set forth by 'al-Bukhārī in *al-Ṣaḥīḥ*, 3:1111 §2887 and 1:469 §1328. •Ibn Abī Shayba in *al-Muṣannaf*, 7:436 §37059. •Ibn ibbān in *al-Ṣaḥīḥ*, 15:354 §6917. •al-Qurashī in *al-Kharāj*, p. 80 §232.

“There was a treaty between Mu‘āwiya and the Byzantines, and he (Mu‘āwiya) approached their land so he could attack them when the treaty would end. Suddenly, he saw a man on a horse, saying: ‘Allah is the Greatest! Fulfil the promise; do not break it!’ And when they looked, they found that he was ‘Amr b. ‘Abasa. Mu‘āwiya questioned him (about that), and ‘Amr said: ‘I heard Allah’s Messenger ﷺ say: “When one has a treaty with a people, he must not breach it until its term comes to an end or they openly declare the cancellation of the treaty equally in retribution.”’ Upon hearing that, Mu‘āwiya returned with his troops.”¹

Reported by Aḥmad b. Ḥanbal, al-Tirmidhī (the wording is his) and al-Ṭayālīsī. Al-Tirmidhī said: “This is a fine authentic tradition.”

¹ Set forth by •Aḥmad b. Ḥanbal in *al-Musnad*, 4:111 §17056. •al-Tirmidhī in *al-Sunan*, 4:143 §1580. •al-Ṭayālīsī in *al-Musnad*, 1:157 §1155.